

AMENDMENTS TO LB 358

Introduced by Transportation and Telecommunications

1 1. Strike original section 11 and insert the following
2 new sections:

3 Sec. 11. Section 75-302, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 75-302 For purposes of sections 75-301 to 75-322 and in
6 all rules and regulations adopted and promulgated by the commission
7 pursuant to such sections, unless the context otherwise requires:

8 (1) Carrier enforcement division means the carrier
9 enforcement division of the Nebraska State Patrol or the Nebraska
10 State Patrol;

11 (2) Certificate means a certificate of public convenience
12 and necessity issued under Chapter 75, article 3, to common
13 carriers by motor vehicle;

14 (3) Civil penalty means any monetary penalty assessed by
15 the commission or carrier enforcement division due to a violation
16 of Chapter 75, article 3, or section 75-126 as such section applies
17 to any person or carrier specified in Chapter 75, article 3; any
18 term, condition, or limitation of any certificate or permit issued
19 pursuant to Chapter 75, article 3; or any rule, regulation, or
20 order of the commission, the Division of Motor Carrier Services,
21 or the carrier enforcement division issued pursuant to Chapter 75,
22 article 3;

23 (4) Commission means the Public Service Commission;

1 (5) Common carrier means any person who or which
2 undertakes to transport passengers or household goods for the
3 general public in intrastate commerce by motor vehicle for hire,
4 whether over regular or irregular routes, upon the highways of this
5 state;

6 (6) Contract carrier means any motor carrier which
7 transports passengers or household goods for hire other than
8 as a common carrier designed to meet the distinct needs of each
9 individual customer or a specifically designated class of customers
10 without any limitation as to the number of customers it can serve
11 within the class;

12 (7) Division of Motor Carrier Services means the Division
13 of Motor Carrier Services of the Department of Motor Vehicles;

14 (8) Escort services means an attendant or caregiver
15 accompanying a minor or persons who are physically, mentally,
16 or developmentally disabled and unable to travel or wait without
17 assistance or supervision;

18 (9) Highway means the roads, highways, streets, and ways
19 in this state;

20 (10) Household goods means personal effects and property
21 used or to be used in a dwelling, when a part of the equipment
22 or supply of such dwelling, and similar property as the commission
23 may provide by regulation if the transportation of such effects or
24 property, is:

25 (a) Arranged and paid for by the householder, including
26 transportation of property from a factory or store when the
27 property is purchased by the householder with the intent to use in

1 his or her dwelling; or

2 (b) Arranged and paid for by another party;

3 (11) Intrastate commerce means commerce between any place
4 in this state and any other place in this state and not in part
5 through any other state;

6 (12) Motor carrier means any person other than a
7 regulated motor carrier who or which owns, controls, manages,
8 operates, or causes to be operated any motor vehicle used to
9 transport passengers or property over any public highway in this
10 state;

11 (13) Motor vehicle means any vehicle, machine, tractor,
12 trailer, or semitrailer propelled or drawn by mechanical power
13 and used upon the highways in the transportation of passengers
14 or property but does not include any vehicle, locomotive, or car
15 operated exclusively on a rail or rails;

16 (14) Permit means a permit issued under Chapter 75,
17 article 3, to contract carriers by motor vehicle;

18 (15) Person means any individual, firm, partnership,
19 limited liability company, corporation, company, association,
20 or joint-stock association and includes any trustee, receiver,
21 assignee, or personal representative thereof;

22 (16) Private carrier means any motor carrier which
23 owns, controls, manages, operates, or causes to be operated a
24 motor vehicle to transport passengers or property to or from
25 its facility, plant, or place of business or to deliver to
26 purchasers its products, supplies, or raw materials (a) when such
27 transportation is within the scope of and furthers a primary

1 business of the carrier other than transportation and (b) when
2 not for hire. Nothing in sections 75-301 to 75-322 shall apply to
3 private carriers except sections ~~75-307 to 75-307.03~~ 1 to 7 of this
4 act as they apply to private carriers; and

5 (17) Regulated motor carrier means any person who or
6 which owns, controls, manages, operates, or causes to be operated
7 any motor vehicle used to transport passengers, other than those
8 excepted under section 75-303, or household goods over any public
9 highway in this state.

10 Sec. 12. Section 75-307, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 75-307 (1) ~~Intrastate~~ Certificated intrastate motor
13 carriers, including common, and contract, ~~and private~~ carriers,
14 shall comply with reasonable rules and regulations prescribed
15 by the commission governing the filing with the commission, the
16 approval of the filings, and the maintenance of proof at such
17 carrier's principal place of business of surety bonds, policies of
18 insurance, qualifications as a self-insurer, or other securities
19 or agreements, in such reasonable amount as required by the
20 commission, conditioned to pay, within the amount of such surety
21 bonds, policies of insurance, qualifications as a self-insurer,
22 or other securities or agreements, any final judgment recovered
23 against such motor carrier for bodily injuries to or the death of
24 any person resulting from the negligent operation, maintenance,
25 or use of motor vehicles under such certificate or permit or for
26 loss or damage to property of others. No certificate or permit
27 shall be issued to a common or contract carrier or remain in force

1 unless such carrier complies with this section and the rules and
2 regulations prescribed by the commission pursuant to this section.

3 (2) The commission may, in its discretion and under
4 its rules and regulations, require any certificated carrier to
5 file a surety bond, policies of insurance, qualifications as a
6 self-insurer, or other securities or agreements, in a sum to be
7 determined by the commission, to be conditioned upon such carrier
8 making compensation to shippers or consignees for all property
9 belonging to shippers or consignees and coming into the possession
10 of such carrier in connection with its transportation service. Any
11 carrier which may be required by law to compensate a shipper or
12 consignee for any loss, damage, or default for which a connecting
13 motor common carrier is legally responsible shall be subrogated
14 to the rights of such shipper or consignee under any such bond,
15 policies of insurance, or other securities or agreements to the
16 extent of the sum so paid.

17 (3) In carrying out this section, the commission may
18 classify motor carriers and regulated motor carriers taking into
19 consideration the hazards of the operations of such carriers and
20 the value of the household goods carried. Nothing contained in this
21 section shall be construed to authorize the commission to compel
22 motor carriers other than common carriers of household goods to
23 carry cargo insurance.

24 Sec. 14. Section 75-370, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 75-370 Enforcement of sections 75-307 ~~to~~ 75-307.03 and
27 75-309 and sections 1 to 7 of this act shall be carried out by the

1 carrier enforcement division of the Nebraska State Patrol or the
2 Nebraska State Patrol pursuant to the rules and regulations adopted
3 and promulgated by the commission to enforce such sections. Any
4 violation of such sections by any regulated motor carrier, motor
5 carrier, or private carrier shall be referred to the commission for
6 disposition under section 75-156, and the commission may take any
7 other action provided by section 75-133.

8 Sec. 15. Section 75-371, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 75-371 Any person, private carrier, common carrier, or
11 contract carrier which operates any motor vehicle in violation of
12 section 75-307, ~~75-307.01, 75-307.02, or 75-307.03~~ or sections 1 to
13 7 of this act or any rule, regulation, or order of the commission
14 pertaining to any of such sections shall be guilty of a Class IV
15 misdemeanor. Each day of such violation shall constitute a separate
16 offense.

17 2. On page 13, line 12, strike "75-307," and show as
18 stricken.

19 3. On page 14, line 14, after the semicolon insert "and";
20 strike lines 15 through 18 and show as stricken; and in line 19
21 strike "(8)", show as stricken, and insert "(7)".

22 4. On page 15, line 19, strike "75-307.01,"; and in line
23 22 after "Sections" insert "75-307.01, 75-307.02, 75-307.03,".

24 5. Renumber the remaining sections and correct repealer
25 accordingly.